

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff	§	
v.	§	CIVIL ACTION NO. 7:18-cv-314
	§	
REAL PROPERTY LOCATED AT	§	
3019 MILE 2 WEST, PROGRESSO,	§	
TEXAS 78579,	§	
Defendant	§	

COMPLAINT FOR FORFEITURE IN REM

The United States of America files this action for forfeiture and alleges upon information and belief:

Nature of the Action

1. This is an action to forfeit property to the United States pursuant to 21 U.S.C. § 881(a)(7).

Defendant Property

2. The Defendant (referred to herein as the “Defendant Property”) is the real property, including all improvements and appurtenances but excepting all oil, gas, and other minerals, located at 3019 Mile 2 West, Progresso, Texas 78579 and legally described as:

Being 20.151 acres of land situated in Hidalgo County, Texas, and being all of Lot 201 and the east 50 feet of a canal right of way adjacent to the west line of said Lot 201, Llano Grande Subdivision as per map recorded in Volume 3, Page 27 of the Hidalgo County Map Records, and said 20.151 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a cotton picker spindle found for the southeast corner of said Lot 201 and the southeast corner of said tract herein described;

THENCE, West, with the south line of said Lot 201, at a distance of 20.00 feet pass a ½-inch iron rod found for reference on the west right of way line of a county road, at a distance of 1280.00 feet pass a ½-inch iron rod found for the southwest corner

of said Lot 201, and continuing for a total distance of 1330.00 feet to a ½-inch iron rod set for the southwest corner of said tract herein described;

THENCE, North, 660.00 feet to a ½-inch iron rod set for the northeast corner of said tract herein described;

THENCE, East, at a distance of 50.00 feet pass the northwest corner of said Lot 201 and continuing with the north line of said Lot 201, at a distance of 1310.00 feet pass a ½-inch iron rod set for reference on the west right of way line of said county road and continuing for a total distance of 1330.00 feet to a cotton picker spindle set for the northeast corner of said lot 201 and the northeast corner of said tract herein described;

THENCE, South, 660.00 feet, with the east line of said Lot 201 and with the centerline of said county road to the POINT OF BEGINNING and containing 20.151 acres of land more or less.

Jurisdiction and Venue

3. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.
4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355(b)(1), 1391(b), and 1395.

Statutory Basis for Forfeiture

5. The Defendant Property is subject to forfeiture under 21 U.S.C. § 881(a)(7), which provides for the forfeiture of “[a]ll real property, including any right, title, and interest (including any leasehold interest) in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of [subchapter I of the Controlled Substances Act, 21 U.S.C. § 801 et seq] punishable by more than one year’s imprisonment.”

Factual Basis

6. On multiple occasions, Pedro Luis Lopez (“Lopez”) used, and/or allowed others to use, the Defendant Property to facilitate drug trafficking. For instance, marijuana was loaded into tractors-trailers at the Defendant Property, Lopez and other drug traffickers discussed drug business at the Defendant Property, and drug proceeds were received at the Defendant Property.

7. Marijuana was loaded into a tractor-trailer at the Defendant Property on or about November 19, 2013. On that date, law enforcement observed a tractor-trailer travel to the Defendant Property. After the tractor-trailer left the Defendant Property, law enforcement observed both the tractor-trailer and a Ford F-250 (which Lopez was driving and which also appeared to have come from the Defendant Property) at a convenience store/gas station on FM 1015 and Military Highway 281, and law enforcement observed Lopez make a gesture towards the tractor-trailer. Shortly after the tractor-trailer left the convenience store/gas station, a trooper conducted a traffic stop on the tractor-trailer on FM 1015. The Ford F-250 remained at the gas station/convenience store, and the occupants of the Ford F-250 appeared to be watching the traffic stop of the tractor-trailer. Law enforcement subsequently conducted a consent search of the trailer and found forty-three bundles of marijuana (over 1,000 pounds), which were wrapped in black electric tape and stacked in between crates of blackberries. Lopez, who was driving the Ford F-250, admitted that the marijuana was loaded at the Defendant Property. In September 2015, Lopez pleaded guilty to a Texas state charge of possession of marijuana (in an amount of 2,000 pounds or less but more than fifty pounds) related to the November 19, 2013 seizure.

8. On or about August 26, 2016, law enforcement conducted a traffic stop on a tractor-trailer in Weslaco, Texas shortly after the tractor-trailer had left the Defendant Property. During a subsequent consent search of the trailer, law enforcement found more than two dozen bundles of

marijuana (over 600 pounds), which were wrapped in black tape and mixed with a load of cabbage. The driver of the tractor-trailer pleaded guilty in Texas state court to possession of marijuana (in an amount of 2,000 pounds or less but more than fifty pounds) related to the seizure. The day before the traffic stop and search, law enforcement had observed the tractor-trailer at a motel along with a vehicle registered to Lopez.

9. A known drug trafficker collected payment for drug trafficking activities at the Defendant Property on multiple occasions, discussed drug-related business at the Defendant Property, and was present at the Defendant Property on at least one occasion when marijuana was being loaded into a tractor-trailer.

10. A warranty deed filed in the county property records in July 2010 shows Ramon Valencia Morfin as the record title owner of the Defendant Property (Valencia was indicted on federal drug trafficking conspiracy and money laundering conspiracy charges in 2016; he committed suicide after his arrest). However, companies owned and/or controlled by Lopez, specifically R-C Trading, LLC and RGV Brokers of South Texas, made at least three payments totaling approximately \$280,000 to Ramon Valencia from June 2013 through February 2014. Additionally, Lopez has previously referred to the Defendant Property as “my place,” and Lopez’s company, RGV Brokers of South Texas has paid at least some of the real property taxes, including approximately \$10,000 towards the 2017 real property taxes.

Notice to Any Potential Claimants

YOU ARE HEREBY NOTIFIED that if you assert an interest in the Defendant Property which is subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or

Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than thirty-five (35) days from the date this Complaint has been sent in accordance with Rule G(4)(b).

An answer or motion under Rule 12 of the Federal Rules of Civil Procedure must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas at United States Courthouse, Bentsen Tower, 1701 W. Highway 83, Suite 1011, McAllen, Texas 78501, and a copy must be served upon the undersigned Assistant United States Attorney at United States Attorney's Office, 1000 Louisiana, Suite 2300, Houston, Texas 77002.

Prayer

Wherefore, the United States of America prays that judgment of forfeiture be entered against Defendant Property in favor of the United States of America under 21 U.S.C. § 881(a)(7) in addition to such costs and other relief to which the United States of America may be entitled.

Respectfully submitted,

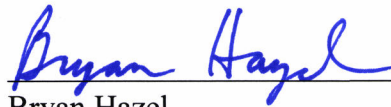
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Verification

I, Bryan Hazel, a Special Agent with the Internal Revenue Service, hereby verify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the facts set forth in the foregoing Complaint For Forfeiture In Rem are based upon either personal knowledge or from information, reports, or records obtained during investigation, and are true and correct to the best of my knowledge and belief.

Executed on October 11, 2018.



Bryan Hazel
Special Agent
Internal Revenue Service